

JON CRAIG 4/2/2009

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in )  
his capacity as ATTORNEY )  
GENERAL OF THE STATE OF )  
OKLAHOMA and OKLAHOMA )  
SECRETARY OF THE ENVIRONMENT )  
C. MILES TOLBERT in his )  
capacity as the TRUSTEE FOR )  
NATURAL RESOURCES FOR THE )  
STATE OF OKLAHOMA, )  
Plaintiff, )  
vs. ) No. 05-CV-00329-GKF-PJC  
TYSON FOODS, INC, et al., )  
Defendants. )

VIDEOTAPED DEPOSITION OF JON CRAIG,  
before the undersigned Certified Shorthand Reporter,  
taken on behalf of the Defendants, at the Department of  
Environmental Quality, 707 North Robinson, Oklahoma  
City, Oklahoma, commencing at 9:06 a.m., on April 2,  
2009, pursuant to the stipulations of the parties.

NICHOLE M. MYERS, RPR, CSR #1704

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1 Q. Those three would be in there?

2 A. Yes, sir.

3 Q. Are there any other wastewater treatment  
4 point sources in the IRW -- in the Oklahoma portion  
5 of the IRW?

6 A. Not that I am aware of.

7 Q. Okay. And those point sources from  
8 Stilwell, Tahlequah and Westville contribute  
9 phosphorus and bacteria to the waters of the Illinois  
10 River watershed; is that correct?

11 A. Yes, sir.

12 Q. And they do so every day; is that correct?

13 A. Yes, sir.

14 Q. And during low flow conditions in those  
15 waters that those -- the phosphorus and the bacteria  
16 will settle in the sediment of those creeks and  
17 rivers; is that correct?

18 MR. BLAKEMORE: Object to form.

19 A. I can't answer that because I don't know  
20 that.

21 Q. (By Mr. Sanders) All right.

22 A. You asked bacteria and phosphorus.

23 Q. All right. Well, let's break them down.

24 During low flow conditions in the waters of the IRW  
25 would phosphorus which came from Stilwell, Tahlequah

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1 and Westville point sources settle in the sediments  
2 of the creeks and rivers?

3 MR. BLAKEMORE: Object to form.

4 A. Some of it.

5 Q. (By Mr. Sanders) Some of it would settle  
6 in the sediments?

7 A. Yes, sir.

8 Q. What about bacteria? Would some of the  
9 bacteria settle in the sediments?

10 MR. BLAKEMORE: Object to form.

11 A. I have never heard that.

12 Q. (By Mr. Sanders) Okay. Do you know that  
13 they do or don't or just don't know?

14 A. I have never -- I could not say that they  
15 do because I have never read that nor have I ever  
16 heard that.

17 Q. All right. Then let's talk about  
18 phosphorus. Is it correct then that during a high  
19 flow water event that the phosphorus that had  
20 previously settled in the sediments during a low flow  
21 conditions would then be churned up and resuspended?

22 A. Some of it.

23 Q. All right. So phosphorus which -- from  
24 point sources which has settled in the sediment  
25 explain in part an elevated level of phosphorus

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1 during high flow events; is that correct?

2 MR. BLAKEMORE: Object to form.

3 A. Yes, sir.

4 Q. (By Mr. Sanders) All right. Has the DEQ  
5 ever tried to measure what part of resuspended  
6 phosphorus that originated from point source is --  
7 what part that part comprises of the total phosphorus  
8 that can be measured during a high flow event?

9 A. I just don't know. I'm sure we have  
10 discussed it. I don't know if we have ever tried to  
11 either measure it or calculate it.

12 Q. All right. Do you know whether any state  
13 agency as ever tried to measure or calculate that  
14 re-suspended phosphorus? Yeah, that resuspended  
15 phosphorus.

16 A. I don't know. I am certain they have all  
17 discussed it.

18 Q. But you don't know that any of them has  
19 tried to --

20 A. No, sir.

21 Q. -- quantify it?

22 A. No, sir. That is a very difficult task.

23 Q. Okay. Now another potential source of  
24 nutrients in the IRW is erosion; is that correct?

25 A. I don't know that.